

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

INTERNET MACHINES LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Cause No. 6:10-CV-00023 MHS
	§	
ALIENWARE CORPORATION., et al.,	§	Jury Trial Demanded
	§	
Defendants.	§	

**GE INTELLIGENT PLATFORMS EMBEDDED SYSTEMS INC.’S<sup>1</sup> ANSWER AND  
COUNTERCLAIMS TO PLAINTIFF’S  
SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

GE Intelligent Platforms Embedded Systems, Inc. (“GE”) files this Answer and Counterclaims to Plaintiff’s Second Amended Complaint for Patent Infringement as follows:

**PRELIMINARY STATEMENT**

Plaintiff Internet Machines LLC (“Internet Machines”) has filed an Original, First, and Second Amended Complaint for Patent Infringement in this matter against 16 separate defendants. Discovery has not begun in this matter, and GE has not had an opportunity to adequately investigate the allegations brought by Internet Machines and defenses thereto. Thus, while GE files answer to the best of its knowledge and ability, GE reserves the right to supplement or amend this answer to include additional defenses that are discovered during the course of this lawsuit, including but not limited to the defense of inequitable conduct.

**FIRST DEFENSE**

1. Subject to and without waiving any of the affirmative defenses set forth in this Answer or otherwise available at law or equity, GE responds to the separate, numbered

paragraphs of Plaintiff's Second Amended Complaint for Patent Infringement (the "Complaint") as follows:

**Parties**

1.1 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1, and on that basis denies the same.

1.2 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2, and on that basis denies the same.

1.3 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3, and on that basis denies the same.

1.4 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4, and on that basis denies the same.

1.5 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5, and on that basis denies the same.

1.6 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6, and on that basis denies the same.

1.7 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7, and on that basis denies the same.

1.8 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8, and on that basis denies the same.

1.9 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9, and on that basis denies the same.

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<sup>1</sup> GE Intelligent Platforms Embedded Systems, Inc. was incorrectly identified as General Electric Enterprise Solutions, a Division of General Electric Company in this action.

1.10 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10, and on that basis denies the same.

1.11 GE admits that GE Intelligent Platforms Embedded Systems, Inc. is a New York corporation with a place of business at 1 Columbia Circle, Albany, New York 12203-6383. GE admits General Electric Corporation is a New York Corporation with a place of business at 3135 Easton Turnpike, Fairfield CT 06828. GE denies the remainder of the allegations set forth in Paragraph 11 of the Complaint.

1.12 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12, and on that basis denies the same.

1.13 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13, and on that basis denies the same.

1.14 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14, and on that basis denies the same.

1.15 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15, and on that basis denies the same.

1.16 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16, and on that basis denies the same.

1.17 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17, and on that basis denies the same.

1.18 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18, and on that basis denies the same.

1.19 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19, and on that basis denies the same.

**Jurisdiction and Venue**

1.20 GE admits that this action arises under the patent laws of the United States, Title 35 of the United States Code. GE admits that this Court has subject matter jurisdiction over this action. GE admits that it is subject to this Court's personal jurisdiction. GE denies all other express or implied allegations contained in paragraph 20, including but not limited to any allegation that GE has in any way committed any act of patent infringement.

1.21 GE denies the allegations contained in paragraph 21.

**Count I**

1.22 GE admits that United States Patent No. 7,454,552 ("the '552 patent") is entitled "Switching with Transparent and Non-Transparent Ports." GE is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 22, and on that basis denies the same.

1.23 GE admits that the '552 patent lists, under "Inventors," the names Heath Stewart, Michael de la Garrigue, and Chris Haywood. GE is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 23, and on that basis denies the same.

1.24 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24, and on that basis denies the same.

1.25 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25, and on that basis denies the same.

1.26 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26, and on that basis denies the same.

1.27 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 27, and on that basis denies the same.

1.28 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 28, and on that basis denies the same.

1.29 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29, and on that basis denies the same.

1.30 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30, and on that basis denies the same.

1.31 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 31, and on that basis denies the same.

1.32 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 32, and on that basis denies the same.

1.33 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 33, and on that basis denies the same.

1.34 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 34, and on that basis denies the same.

1.35 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35, and on that basis denies the same.

1.36 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 36, and on that basis denies the same.

1.37 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 37, and on that basis denies the same.

1.38 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38, and on that basis denies the same.

1.39 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 39, and on that basis denies the same.

1.40 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 40, and on that basis denies the same.

1.41 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 41, and on that basis denies the same.

1.42 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 42, and on that basis denies the same.

1.43 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 43, and on that basis denies the same.

1.44 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 44, and on that basis denies the same.

1.45 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 45, and on that basis denies the same.

1.46 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 46, and on that basis denies the same.

1.47 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 47, and on that basis denies the same.

1.48 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 48, and on that basis denies the same.

1.49 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 49, and on that basis denies the same.

1.50 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 50, and on that basis denies the same.

1.51 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 51, and on that basis denies the same.

1.52 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 52, and on that basis denies the same.

1.53 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 53, and on that basis denies the same.

1.54 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 54, and on that basis denies the same.

1.55 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 55, and on that basis denies the same.

1.56 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 56, and on that basis denies the same.

1.57 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 57, and on that basis denies the same.

1.58 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 58, and on that basis denies the same.

1.59 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 59, and on that basis denies the same.

1.60 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 60, and on that basis denies the same.

1.61 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 61, and on that basis denies the same.

1.62 GE denies the allegations contained in paragraph 62.

1.63 GE denies the allegations contained in paragraph 63.

1.64 GE denies the allegations contained in paragraph 64.

1.65 GE denies the allegations contained in paragraph 65.

1.66 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 66, and on that basis denies the same.

1.67 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 67, and on that basis denies the same.

1.68 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 68, and on that basis denies the same.

1.69 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 69, and on that basis denies the same.

1.70 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 70, and on that basis denies the same.

1.71 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 71, and on that basis denies the same.

1.72 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 72, and on that basis denies the same.



1.73 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 73, and on that basis denies the same.

1.74 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 74, and on that basis denies the same.

1.75 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 75, and on that basis denies the same.

1.76 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 76, and on that basis denies the same.

1.77 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 77, and on that basis denies the same.

1.78 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 78, and on that basis denies the same.

1.79 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 79, and on that basis denies the same.

1.80 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 80, and on that basis denies the same.

1.81 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 81, and on that basis denies the same.

1.82 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 82, and on that basis denies the same.

1.83 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 83, and on that basis denies the same.

1.84 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 84, and on that basis denies the same.

1.85 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 85, and on that basis denies the same.

1.86 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 86, and on that basis denies the same.

1.87 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 87, and on that basis denies the same.

1.88 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 88, and on that basis denies the same.

1.89 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 89, and on that basis denies the same.

1.90 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 90, and on that basis denies the same.

1.91 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 91, and on that basis denies the same.

1.92 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 92, and on that basis denies the same.

1.93 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 93, and on that basis denies the same.

1.94 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 94, and on that basis denies the same.

1.95 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 95, and on that basis denies the same.

1.96 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 96, and on that basis denies the same.

1.97 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 97, and on that basis denies the same.

### **Count II**

1.98 GE admits that United States Patent No. 7,421,532 (“the ‘532 patent”) is entitled “Switching with Transparent and Non-Transparent Ports.” GE denies all other express or implied allegations contained in paragraph 98.

1.99 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 99, and on that basis denies the same.

1.100 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 100, and on that basis denies the same.

1.101 GE admits that the ‘532 patent lists, under “Inventors,” the names Heath Stewart, Michael de la Garrigue, and Chris Haywood. GE is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 101, and on that basis denies the same.

1.102 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 102, and on that basis denies the same.

1.103 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 103, and on that basis denies the same.

1.104 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 104, and on that basis denies the same.

1.105 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 105, and on that basis denies the same.

1.106 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 106, and on that basis denies the same.

1.107 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 107, and on that basis denies the same.

1.108 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 108, and on that basis denies the same.

1.109 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 109, and on that basis denies the same.

1.110 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 110, and on that basis denies the same.

1.111 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 111, and on that basis denies the same.

1.112 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 112, and on that basis denies the same.

1.113 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 113, and on that basis denies the same.

1.114 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 114, and on that basis denies the same.

1.115 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 115, and on that basis denies the same.

1.116 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 116, and on that basis denies the same.

1.117 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 117, and on that basis denies the same.

1.118 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 118, and on that basis denies the same.

1.119 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 119, and on that basis denies the same.

1.120 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 120, and on that basis denies the same.

1.121 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 121, and on that basis denies the same.

1.122 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 122, and on that basis denies the same.

1.123 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 123, and on that basis denies the same.

1.124 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 124, and on that basis denies the same.

1.125 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 125, and on that basis denies the same.

1.126 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 126, and on that basis denies the same.

1.127 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 127, and on that basis denies the same.

1.128 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 128, and on that basis denies the same.

1.129 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 129, and on that basis denies the same.

1.130 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 130, and on that basis denies the same.

1.131 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 131, and on that basis denies the same.

1.132 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 132, and on that basis denies the same.

1.133 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 133, and on that basis denies the same.

1.134 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 134, and on that basis denies the same.

1.135 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 135, and on that basis denies the same.

1.136 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 136, and on that basis denies the same.

1.137 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 137, and on that basis denies the same.

1.138 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 138, and on that basis denies the same.

1.139 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 139, and on that basis denies the same.

1.140 GE denies the allegations contained in paragraph 140.

1.141 GE denies the allegations contained in paragraph 141.

1.142 GE denies the allegations contained in paragraph 142.

1.143 GE denies the allegations contained in paragraph 143.

1.144 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 144, and on that basis denies the same.

1.145 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 145, and on that basis denies the same.

1.146 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 146, and on that basis denies the same.

1.147 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 147, and on that basis denies the same.

1.148 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 148, and on that basis denies the same.

1.149 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 149, and on that basis denies the same.

1.150 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 150, and on that basis denies the same.

1.151 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 151, and on that basis denies the same.

1.152 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 152, and on that basis denies the same.

1.153 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 153, and on that basis denies the same.

1.154 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 154, and on that basis denies the same.

1.155 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 155, and on that basis denies the same.

1.156 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 156, and on that basis denies the same.

1.157 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 157, and on that basis denies the same.

1.158 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 158, and on that basis denies the same.

1.159 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 159, and on that basis denies the same.

1.160 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 160, and on that basis denies the same.



1.161 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 161, and on that basis denies the same.

1.162 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 162, and on that basis denies the same.

1.163 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 163, and on that basis denies the same.

1.164 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 164, and on that basis denies the same.

1.165 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 165, and on that basis denies the same.

1.166 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 166, and on that basis denies the same.

1.167 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 167, and on that basis denies the same.

1.168 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 168, and on that basis denies the same.

1.169 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 169, and on that basis denies the same.

1.170 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 170, and on that basis denies the same.

1.171 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 171, and on that basis denies the same.

1.172 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 172, and on that basis denies the same.

1.173 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 173, and on that basis denies the same.

1.174 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 174, and on that basis denies the same.

1.175 GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 175, and on that basis denies the same.

1.176 To the extent the allegations contained in paragraph 176 are directed to GE, GE denies all of the allegations contained in paragraph 176. With respect to the other Defendants in this lawsuit, GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 176 as they relate to the other Defendants, and on that basis GE denies the same.

1.177 To the extent the allegations contained in paragraph 177 are directed to GE, GE denies all of the allegations contained in paragraph 177. With respect to the other Defendants in this lawsuit, GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 177 as they relate to the other Defendants, and on that basis GE denies the same.

1.178 To the extent the allegations contained in paragraph 178 are directed to GE, GE denies all of the allegations contained in paragraph 178. With respect to the other Defendants in this lawsuit, GE is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 178 as they relate to the other Defendants, and on that basis GE denies the same.

1.179 GE denies any and all allegations in the Complaint that were not expressly admitted herein.

**Prayer for Relief**

1.180 Paragraphs 1 through 7 constitute requests for relief for which no response is required. For that reason, GE denies that Plaintiff is entitled to any relief, and asserts that Plaintiff's claims for relief should be denied in their entirety.

**Demand for Jury Trial**

1.181 With regard to the Demand of Jury Trial in the Complaint, no admission or denial is required.

**SECOND DEFENSE**

2. Venue is improper in the Eastern District of Texas.

**THIRD DEFENSE**

3. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**FOURTH DEFENSE**

4.1 GE has not infringed and does not infringe, nor has it contributed to any infringement by others, nor has it induced others to infringe any claim of United States Patent No. 7,454,552 ("the '552 patent").

4.2 GE has not infringed and does not infringe, nor has it contributed to any infringement by others, nor has it induced others to infringe any claim of United States Patent No. 7,421,532 ("the '532 patent").

**FIFTH DEFENSE**

5.1 The claims of the '552 Patent are invalid for failure to comply with the requirements for patentability under the patent laws, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

5.2 The claims of the '532 Patent are invalid for failure to comply with the requirements for patentability under the patent laws, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

#### **SIXTH DEFENSE**

6. Plaintiff's claims are barred in whole or in part by the doctrines of laches and/or estoppel.

#### **SEVENTH DEFENSE**

7.1 To the extent that Plaintiff or its predecessors in interest of the '532 Patent failed to properly notify GE of the actions alleged to infringe the '532 Patent, including but not limited to, by reason of 35 U.S.C. § 287 or infringement allegations based on indirect infringement, GE is not liable to Plaintiff for those allegedly infringing actions performed prior to receipt of actual notice of allegations that it was infringing the '532 Patent.

7.2 To the extent that Plaintiff or its predecessors in interest of the '552 Patent failed to properly notify GE of the actions alleged to infringe the '552 Patent, including but not limited to, by reason of 35 U.S.C. § 287 or infringement allegations based on indirect infringement, GE is not liable to Plaintiff for those allegedly infringing actions performed prior to receipt of actual notice of allegations that it was infringing the '552 Patent.

#### **EIGHTH DEFENSE**

8. Pursuant to 28 U.S.C. § 1498, at least a portion of the damages Plaintiff seeks to recover from GE for alleged infringement cannot be awarded in this Court.

**NINTH DEFENSE**

9. Plaintiff's claims are barred in whole or in part by prosecution history estoppel.

**TENTH DEFENSE**

10. Plaintiff's claims are barred in whole or in part by the doctrine of unclean hands.

**ELEVENTH DEFENSE**

11. Plaintiff's claims are barred in whole or in part due to Plaintiff's failure to mitigate damages, if any.

**TWELFTH DEFENSE**

12. Plaintiff's claims are barred in whole or in part for lack of standing.

**THIRTEENTH DEFENSE**

13. Pursuant to 35 U.S.C. § 286, Plaintiff's claims are barred in whole or in part for all events occurring more than six years before the filing of this lawsuit.

**COUNTERCLAIMS**

As set forth above, GE contends that venue is improper in the Eastern District of Texas. Accordingly, the counterclaims asserted below in no way constitute a waiver of that or any other defense asserted by GE.<sup>2</sup> Thus, subject to and without waiving any of the foregoing defenses, GE asserts the following Counterclaims against Plaintiff/Counter-Defendant Internet Machines:

**Jurisdiction and Venue**

14. This Court has subject-matter jurisdiction over the following Counterclaims under 28 U.S.C. §§ 1331 and 1338(a) (2004). This Court has personal jurisdiction over Internet Machines because it has voluntarily appeared before this Court for all purposes.

15. Venue is proper as to Internet Machines under 28 U.S.C. §§ 1391(b) and 1400(b) (2004).

### **The Parties**

16. Counterclaim-Plaintiff GE Intelligent Platforms Embedded Systems, Inc. (“GE”) is a New York corporation with a place of business at 1 Columbia Circle, Albany, New York 12203-6383.

17. On information and belief, Counterclaim-Defendant Internet Machines LLC (“Internet Machines”) is a Limited Liability Company organized under the laws of the State of Texas and is located at 208 N. Green Street, Suite 310 in Longview, Texas.

18. Counter-Defendant Internet Machines has filed suit in this matter asserting infringement by GE of the ’552 and ’532 Patents. The allegations in the Complaint have created an actual and justiciable controversy between Internet Machines and GE concerning the infringement and invalidity of the ’552 and ’532 Patents.

19. Pursuant to the Declaratory Judgments Act, 28 U.S.C. §§ 2201-2202 (2004), GE is entitled to a declaratory judgment that it has not infringed any valid and enforceable claim of the ’552 or ’532 Patents.

### **First Counterclaim – Declaratory Judgment of Non-Infringement of the ’552 Patent**

20. GE incorporates by reference the statements and allegations set forth in paragraphs 1-19 with the same force and effect as though fully rewritten herein.

21. On information and belief, GE has not infringed and is not infringing any claim of the ’552 Patent. On information and belief, GE has not contributorily infringed and is not contributorily infringing, has not actively induced infringement and is not actively inducing others to infringe, and has not and is not jointly infringing any claim of the ’552 Patent.

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<sup>2</sup>See *Bayou Steel Corp. v. M/V Amstelveen*, 809 F.2d 1147, 1148-49 (5th Cir. 1987).  
**GE Intelligent Platforms Embedded Systems, Inc.’s Answer to Plaintiff’s  
Second Amended Complaint for Patent Infringement**

22. GE is entitled to a declaratory judgment that it has not infringed and is not infringing (either directly, contributorily, jointly, or by inducement) any claim of the '552 Patent, either literally or by the application of the doctrine of equivalents.

**Second Counterclaim – Declaratory Judgment of Non-Infringement of the '532 Patent**

23. GE incorporates by reference the statements and allegations set forth in paragraphs 1-22 with the same force and effect as though fully rewritten herein.

24. On information and belief, GE has not infringed and is not infringing any claim of the '532 Patent. On information and belief, GE has not contributorily infringed and is not contributorily infringing, has not actively induced infringement and is not actively inducing others to infringe, and has not and is not jointly infringing any claim of the '532 Patent.

25. GE is entitled to a declaratory judgment that it has not infringed and is not infringing (either directly, contributorily, jointly, or by inducement) any claim of the '532 Patent, either literally or by the application of the doctrine of equivalents.

**Third Counterclaim – Declaratory Judgment of Invalidity of the '552 Patent**

26. GE incorporates by reference the statements and allegations set forth in paragraphs 1-25 with the same force and effect as though fully rewritten herein.

27. The '552 Patent is invalid for failure to meet the conditions set forth in 35 U.S.C. §§ 101, 102, 103 and 112.

28. GE is entitled to a declaratory judgment that the '552 Patent is invalid.

**Fourth Counterclaim – Declaratory Judgment of Invalidity of the '532 Patent**

29. GE incorporates by reference the statements and allegations set forth in paragraphs 1-28 with the same force and effect as though fully rewritten herein.

30. The '532 Patent is invalid for failure to meet the conditions set forth in 35 U.S.C. §§ 101, 102, 103 and 112.

31. GE is entitled to a declaratory judgment that the '532 Patent is invalid.

**PRAYER FOR RELIEF**

WHEREFORE, GE respectfully requests that this Court enter judgment in its favor and grant the following relief:

- a. Dismiss the Complaint against GE for improper venue;
- b. Dismiss with prejudice the Complaint against GE;
- c. Declare that GE does not infringe any claim of the '532 Patent;
- d. Declare that GE does not infringe any claim of the '552 Patent;
- e. Declare that the '532 Patent is invalid;
- f. Declare that the '552 Patent is invalid;
- g. Award to GE its costs and disbursements associated with this action; and
- h. Award any additional relief as the Court may deem appropriate and just under the circumstances.



Dated May 14, 2010.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT  
GE INTELLIGENT PLATFORMS  
EMBEDDED SYSTEMS INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of May 2010, a true and correct copy of GE Intelligent Platforms Embedded Systems Inc.'s Answer to Plaintiff's Second Amended Complaint for Patent Infringement was served on all parties of record via the Court's ECF filing system.

/s/ W. Barton Rankin

W. Barton Rankin

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